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In propria persona

UNITED STATES DISTRICT COURT
FOR THE DISTRICT ARIZONA
PHOENIX DIVISION

Jason Crews,

Plaintiff,

vs.

Subscriber(s) associated with (602)898-8725,
Defendants.

Case No.: 2:24-cv-01342-KML

Plaintiff's *Ex Parte* Motion to Extend the
Deadline to Serve Defendants

DEMAND FOR JURY TRIAL

Plaintiff respectfully moves the Court for an order extending the deadline to serve
Defendants by an additional 90 days, and in support thereof states as follows:

Factual Background

- Plaintiff initially filed this matter on June 6, 2024. Doc. 1.
- On the same day, Plaintiff filed a Motion to Serve Third-Party Subpoena Prior to Rule 26(f) Conference under Rule 45, along with proposed subpoenas, as required by General Order 18-19. Doc. 3.

- As of September 8, 2024, the Court has yet to rule on Plaintiff's motion, and as a result, Plaintiff now believes he will be unable to effectuate service in compliance with the Federal Rules.

Argument

Federal Rule of Civil Procedure 4(m) permits the Court to extend the time for service for an appropriate period if the plaintiff shows good cause for the failure to serve within the prescribed period. Good cause is typically found when the delay is due to external factors beyond the control of the plaintiff, including awaiting a court decision.

In this case, Plaintiff has shown diligence by promptly filing a motion to serve third-party subpoenas on the same day the complaint was filed. However, Plaintiff has been unable to proceed with service as the Court has yet to rule on this motion. This delay is beyond the control of the Plaintiff and constitutes good cause for an extension.

Conclusion

For the foregoing reasons, Plaintiff respectfully requests that the Court grant an additional 90 days to effectuate service on the Defendants. This extension will allow sufficient time for the Court to rule on Plaintiff's motion and for Plaintiff to subsequently serve the Defendants in compliance with the Court's orders.

1 RESPECTFULLY SUBMITTED on this September 8, 2024.

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3 /s/ Jason Crews

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